

August 20, 2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HEARING TO ANNOUNCE CONDITIONS OF RELEASE
BEFORE THE HONORABLE NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEY'S OFFICE
By: AUSA Ray Gattinella
601 N.W. Loop 410
San Antonio, Texas 78216

For the Defendant: HASDORFF & CONVERY, PC
By: Mr. John A. Convery
1005 South Alamo Street
San Antonio, Texas 78210

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1 COURTROOM SECURITY OFFICER: All rise.

2 THE COURT: All right. Court will be in
3 order. Please be seated.

4 It's Thursday, August 20th, and it's now five
5 till 3:00. And I'll call the case of United States
6 versus Kamal Abdallah. And this is SA- -- Let's see.

7 Ms. Guerrero, do you have some paperwork with
8 those numbers? Thank you.

9 This is SA-09-731-M, and Eastern District of
10 New York Cause Number M-09790.

11 We were initially set on Friday, August 21st, for
12 an identity hearing, preliminary examination, as well
13 as for a detention hearing. I understand that there's
14 been an agreement with the parties, the Government no
15 longer asking for Defendant's detention pending
16 trial. The Defendant has waived -- is waiving the
17 preliminary hearing, as well as the identity hearing.
18 And, so, the purpose of calling court this afternoon
19 is to announce conditions of release on the record.

20 Let me get announcement of counsel for the
21 Government on the record today.

22 MR. GATTINELLA: Yes, your Honor. Ray
23 Gattinella on behalf of the Government.

24 THE COURT: All right. And appearing with
25 the Defendant?

1 MR. CONVERY: John Convery for Kamal
2 Abdallah.

3 THE COURT: All right. Mr. Abdallah, based
4 upon what I know about you from the Pretrial Services
5 office, and, very importantly, the position of the
6 Government now, it's my order that you be released
7 upon your agreement to pay the Government \$75,000,
8 which promise is secured by a ten percent cash
9 deposit, if you should fail to appear or violate any
10 of the conditions of your bond.

11 You are specifically ordered to appear at all
12 future court proceedings. Should you be found guilty,
13 and sentenced to a term of imprisonment, you are
14 ordered to surrender as directed to serve any sentence
15 you receive. You are further ordered not to violate
16 state or federal or local law. Additionally, you are
17 ordered to report to Pretrial as directed.

18 And Mr. Newville will give you some instructions
19 about that.

20 You are to surrender any passport you might have
21 to Pretrial, and obtain no new passport. And your
22 travel is restricted to the Western District of Texas,
23 Eastern District of Texas (sic) for court purposes,
24 and to Clark County, Nevada, for court purposes, as
25 well.

1 COURTROOM DEPUTY: New York.

2 THE COURT: New York. Clark County,
3 New York?

4 MR. CONVERY: No.

5 COURTROOM DEPUTY: Eastern District of
6 New York.

7 THE COURT: I'm sorry. Let me say that
8 again on the record.

9 Your travel is restricted to the Western Judicial
10 District of Texas--I understand you'd live here and
11 you'll --

12 DEFENDANT ABDALLAH: Yes.

13 THE COURT: -- maintain your residence
14 here--as well as to the Eastern District of New York,
15 for court purposes, and then, also, to --

16 Is it Clark County, Nevada?

17 MR. CONVERY: That's correct.

18 THE COURT: -- where there are pending --
19 some pending matters, as well.

20 MR. CONVERY: That's correct.

21 THE COURT: All right. So, travel is
22 restricted to those locations.

23 And is it the intention that the Nevada travel
24 expansion is for court purposes only?

25 MR. GATTINELLA: Yes, your Honor.

1 THE COURT: Okay. All right. So, if you
2 violate any of those conditions, sir, a warrant would
3 be issued for your arrest and you would be placed in
4 jail; your bond could be revoked; you could be held
5 without a bond being set; you could be held in
6 contempt of court and sanctions imposed upon you for
7 that. If you don't come to court when you are
8 supposed to, you could be charged with bail-jumping.
9 That carries a sentence that would run in addition to
10 any sentence you might receive for the charges you are
11 facing now. If you violated any federal law while
12 you're on release, any sentence you get in this case
13 could be increased and up to ten additional years of
14 imprisonment could be added on as an additional
15 penalty.

16 Now, Mr. Convery, are you going to be
17 representing the Defendant as the case progresses in
18 the Eastern District of New York?

19 MR. CONVERY: It's -- It's quite likely, but
20 we're not sure yet.

21 THE COURT: Okay.

22 MR. CONVERY: And, of course, I would have
23 to make a filing in that district. I -- I think
24 what's best, at this time, just so that things carry
25 over, is that -- Of course, my name is going to be on

1 the paperwork as representing him, and then I would
2 represent to the Court that I will inform the
3 magistrate in the Eastern District of New York if
4 there's a change in representation.

5 THE COURT: All right. And I'm noting that
6 we've discovered that the Eastern District of New York
7 will have a hearing on this case on August 27th, at
8 2:00 o'clock in the afternoon, Thursday of next week.

9 All right. Mr. Abdallah, do you have any
10 questions about the conditions of your bond or
11 anything else we have done today in court?

12 DEFENDANT ABDALLAH: No, your Honor.

13 THE COURT: No. All right.

14 Well, then, I am going to go ahead and approve
15 this agreement. Pretrial will give you some
16 instructions about your reporting obligations, I'm
17 sure an address for -- and a phone number for who you
18 need to report to in -- in Brooklyn.

19 Yes, Mr. Convery?

20 MR. CONVERY: Just for record purposes,
21 we're prepared to post the -- the ten percent amount
22 and have a cashier's check to the U.S. District Clerk
23 that I'll go and file as soon as the paperwork is
24 available, after -- after this hearing.

25 And, also, with respect to the travel, we -- we

1 understand that -- your ruling. We need to sit down
2 and, you know, meet with Pretrial Services.

3 Mr. Abdallah is a businessman. There's travel to
4 Florida, travel to different places. But, initially,
5 we'll do that on a -- on a --

6 THE COURT: Situational basis?

7 MR. CONVERY: -- single situational basis,
8 until, perhaps, we create enough of a history with
9 Pretrial Services where they feel comfortable as to
10 him...

11 THE COURT: Okay. All right, sir. That
12 sounds fine.

13 Because Mr. Abdallah lives here, Mr. Newville,
14 our office will actually be doing the supervision; is
15 that correct?

16 MR. NEWVILLE: Yes, your Honor.

17 THE COURT: Okay. And I'm wondering whether
18 the modifications of bond to allow travel would be
19 presented here, or would those be presented in
20 New York?

21 MR. NEWVILLE: I think once he appears in
22 New York they'll --

23 THE COURT: I think they'd be up in
24 New York.

25 MR. NEWVILLE: -- be in New York.

1 MR. CONVERY: That's correct.

2 THE COURT: Okay. All right.

3 All right. Mr. Abdallah, any questions at all
4 about any of this?

5 DEFENDANT ABDALLAH: No, your Honor.

6 THE COURT: All right. Well, then, we'll be
7 in recess and go off the record.

8 (Recess.)

9

10 I, Court approved transcriber, certify that the
11 foregoing is a correct transcript from the official
electronic sound recording of the proceedings in the
above-entitled matter.

13 /s/ Darla Messina March 2, 2015
Signature of Approved Transcriber Date

Darla Messina
16 Typed or Printed Name